



Legislative Briefing

AG Cases in the News

COURTS RULE IN STATE'S FAVOR IN CASES ON APPEAL

Child Abuse Conviction Upheld—DNA Test Reliable

The Supreme Court recently rejected the appeal of convicted child abuser Raymond Butterfield and affirmed the reliability of the DNA testing that had been used to convict Butterfield.

Murder Convictions Upheld

The Supreme Court has upheld the conviction of David Mead, the man who drowned his wife in their backyard pond in 1994. The court rejected Mead's claims that the trial judge made improper rulings when deciding which testimony and evidence would be admitted.

The Supreme Court also upheld the conviction of Bobbie Dawn Widdison, who was convicted of murdering her 9-month-old daughter.

Challenge to Utah Law Dismissed

The Tenth Circuit Court dismissed a case challenging Utah's anti-fornication and sodomy laws, ruling the case had not been properly filed because the plaintiffs were not identified by name. Plaintiffs used only their initials, claiming they feared prosecution.

Legislature's Action Ensures Money for Prevention

The Legislature's decision to settle the attorneys fees dispute in the tobacco case not only resolved what could have been a costly, protracted legal battle, but the 2/3 approval made the settlement effective immediately, ensuring that up to \$2 million of the newly released \$6.5 million will go to the Department of Health for tobacco prevention programs. Our thanks to all of you for your careful deliberation and swift action.

The Latest in Utah's Census Challenge

Utah's battle for a fourth congressional seat wages on. North Carolina and the Department of Justice have filed motions to dismiss Utah's lawsuit challenging the Census Bureau's use of imputation. Our response is due July 25; the hearing remains scheduled for August 29. Last month the State filed an appeal in the lawsuit disputing the exclusion of overseas missionaries; the case will proceed to the U.S. Supreme Court.

State Defends Ban on Nuclear Waste Storage

A team from the Attorney General's Office is working with Monte Stewart, the Governor's newly appointed lead counsel to keep high level nuclear waste out of Utah. Assistant attorneys general have been working in opposition to the proposed storage project on the Goshute reservation for four years. The newest suit is one in which proponents of the storage project are challenging State legislation on constitutional and other grounds.

Utah Gets \$500,000 in Settlement with Steel Maker

Cleaner air, cleaner water, and half a million dollars—that is what the State of Utah will get after the Attorney General's Office helped settle a case with Nucor, a national steel maker. The settlement resolves air, water, and hazardous waste violations at eight minimills and six steel fabrication facilities in Utah and six other states.

The money is earmarked for cleaning up hazardous waste in Utah where no responsible party is known or willing to do the clean-up. The settlement was negotiated jointly with the Department of Justice and the Environmental Protection Agency.

AG's Office Defends Utah Law

When Utah law is challenged, the Attorney General's Office defends it. Here's a list:

- **English Only** (Initiative A, 2000) declared English as Utah's official language. *Assistant AG on the case: Jerry Jensen*
- **Utah Property Protection Act** (Initiative B, 2000) restricted governments' ability to confiscate property and redirected seized assets to the state school fund. *AAG: Mark Ward*
- **Voluntary Contributions Act** (HB 179, 2001) prohibited PACs from deducting voluntary contributions from government employment paychecks. *Counsel: Jan Smith from Ray, Quinney, & Nebeker; AG Division Chief Mark Ward is assisting*
- **Hate Crimes Act** (HB 112, 1992) enhanced penalties for certain hate crimes. *AAG: Jerry Jensen*
- **Motor Fuel Marketing Act** (HB 162, 2001) repealed provisions requiring retailers to sell gas at a price at least 6 percent over cost and transferred all enforcement authority to the Attorney General. *AAG: Ron Ockey*
- **Domestic Terrorism of Commercial Enterprises** (HB 322, 2001) created the crime of commercial terrorism. *AAG: Jerry Jensen*
- **Highway Sign Obstruction** (HB 400, 2000) amended billboard provisions for signs affected by noise abatements. *AAG: Joel Ferre*
- **Solemnization of Marriages** (SB 211, 2001) precluded ministers who received their ordination over the Internet from performing marriages. *AAGs: Ed Ogilvie and Joel Ferre*
- **Trust Deed Law Amendments** (SB 53, 2001) limited eligibility to serve as trustee under a deed of trust to Utah residents. *AAG: Jerry Jensen*
- **Amendments to the Transportation Act** (SB 256, 2001) allowed UDOT to acquire rights-of-way for public transit projects. *AAG: Steve Alder*
- **Constitutional Amendment Regarding the Taking of Wildlife** (Proposition 5, 1998) amended the Utah Constitution to require a two-third vote to adopt by initiative state law relating to the taking of wildlife. *AAG: Thom Roberts*

A lawsuit involving the Skull Valley nuclear waste project challenges several laws:

- **Provision Relating to High-level Nuclear Waste** (SB 81, 2001) prohibited the storage of Class C or higher radioactive waste in Utah.
- **High-level Nuclear Waste** (SB 177, 1999) denied limited liability for organizations involved in the transfer or storage of nuclear waste.
- **State Roads Designated** (SB 164, 1999) designated certain highways as state owned.
- **High-level Nuclear Waste Disposal** (SB 196, 1998) established restrictions on nuclear waste storage.
- **Master Road State Highway List** (SB 78, 1998) amended certain state highway designations.
Attorneys handling this litigation for the State are Special AAG Monte Stewart (appointed by the Governor), AG Division Chief Phil Pugsley, and AAGs Jim Soper, Denise Chancellor, Larry Jensen, and Matt McGhie

Summit on Club Drugs Scheduled for August

Use of club drugs such as Ecstasy and GHB is on the rise in Utah. To address this problem, the Utah Substance Abuse and Anti-Violence Council is hosting a summit in West Valley City on Friday, August 10. This event is designed for community leaders and policymakers; there is no charge.

The Utah Council for Crime Prevention is hosting a community event for the general public on Saturday, August 11 in Murray. Registration is \$30 before July 27 and \$40 thereafter.

Assistant Attorney General Scott Reed chairs the working group organizing the summit. Legislators who wish to attend Friday's event should contact Diane at (801) 538-1031 by August 1. Those interested in Saturday's event should contact the Utah Council for Crime Prevention at (801) 486-8691.

Citizen Response

The Attorney General's Office fields several hundred citizen requests and complaints every month. Some of the hot issues this month:

- Internet Crimes
- Commercial Fraud
- Pornography
- Child Custody Issues
- Child Support
- LaVerkin anti-U.N. Ordinance
- Microsoft Lawsuit

If this office can answer questions or help you assist the people in your district, please call Ric Cantrell.

The Attorney General's Office represents the State in thousands of cases each year. If you need information on any matter being handled by our office, please call Paul Murphy, Ric Cantrell, or Tracey Tabet at 538-9600, or call Attorney General Mark Shurtleff at 538-1191. Thank you.